

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Wisconsin

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)Information associated with Facebook account greg.gorak.5, for the time  
period of February 1, 2018, through the date of this warrant, which is  
stored at premises owned, maintained, controlled, or operated by Meta  
Platforms, Inc., a company headquartered in Menlo Park, California.

Case No.23-857M(NJ)

## WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure  
of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_

(identify the person or describe the property to be searched and give its location):

See Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property  
described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B.

**YOU ARE COMMANDED** to execute this warrant on or before 2/14/2023 (not to exceed 14 days)☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the  
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the  
property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory  
as required by law and promptly return this warrant and inventory to \_\_\_\_\_

Hon. Nancy Joseph

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.  
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose  
property, will be searched or seized (check the appropriate box)☐ for \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying the later specific date of \_\_\_\_\_

Date and time issued: 1/30/2023 @ 9:57 a.m.

City and state: Milwaukee, WI

Hon. Nancy Joseph, U.S. Magistrate Judge

Printed name and title

<b>Return</b>		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized:		
<b>Certification</b>		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%;"> <p>Date: _____</p> </div> <div style="width: 65%;"> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Executing officer's signature</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Printed name and title</i></p> </div> </div>		

## **ATTACHMENT A**

### **Property to Be Searched**

This warrant applies to information associated with Facebook account **greg.gorak.5**, for the time period of February 1, 2018, through the date of this warrant, which is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered in Menlo Park, California.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Meta Platforms, Inc. (“Meta”)**

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Meta, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Meta is required to disclose the following information to the government for each account or identifier listed in Attachment A **for the time period of February 1, 2018, through the date of this warrant.**

- (a) All contact and personal identifying information for Target Account including, full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the accounts and all other documents showing the user’s posts and other Facebook activities.
- (c) All photos and videos uploaded by those user IDs and all photos and videos uploaded by any user that have those users tagged in them including Exchangeable Image File (“EXIF”) data and any other metadata associated with those photos and videos.
- (d) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which

the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

- (e) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string.
- (f) All other records and contents of communications and messages made or received by the user including all Messenger activity, private messages, chat history, video and voice calling history, and pending "Friend" requests.
- (g) All "check ins" and other location information.
- (h) All IP logs, including all records of the IP addresses that logged into the account.
- (i) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked".
- (j) All information about the Facebook pages that the accounts were or are a "fan" of.
- (k) All past and present lists of friends created by the accounts.
- (l) All records of Facebook searches performed by the accounts
- (m) All information about the user's access and use of Facebook Marketplace.
- (n) The types of service utilized by the user.

- (o) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number).
- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account.
- (q) All records pertaining to communications between Meta and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

The Target Provider shall disclose responsive data, if any, within **fourteen days (14)** of the **ISSUANCE** of this warrant.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes evidence of violations of 18 U.S.C. 1951 (Hobbs Act robbery) and 2113 (bank robbery) involving GREGORY GORAK, THOMAS WILHELM, or others, including, information pertaining to the following matters:

1. Images or descriptions of clothing, accessories, vehicles, or weapons potentially used in robberies.
2. Information or communications concerning robberies, or potential robbery targets, or rewards for the disclosure of information regarding completed robberies.
3. Communications reflecting connections between robbery suspects and their relatives.
4. Information or communications concerning robbery proceeds or cash windfalls.
5. Financial records, including account information, bank statements, checks, money orders, cash, ATMs, withdrawals, deposits, transfers (including wire, ACH transfers);
6. All evidence of who created, used, owned or controlled the Target Account, including, records that help reveal the identity and whereabouts of such person(s).
7. Evidence indicating how and when the Target Account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crimes under investigation and to the Target Account owner.
8. Evidence indicating the Target Account owner's state of mind as it relates to the crimes under investigation.

9. The identity of the person(s) who communicated with the Target Accounts about matters relating to the above-mentioned violations, including records that help reveal their whereabouts.

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Platforms, Inc., a company headquartered in Menlo Park, California.

Case No. 23-857M(NJ)

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A.

located in the \_\_\_\_\_ District of \_\_\_\_\_, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 1951 & 2113	Hobbs Act robbery and bank robbery.

The application is based on these facts:  
See attached Affidavit.

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days *(give exact ending date if more than 30 days)* \_\_\_\_\_ is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

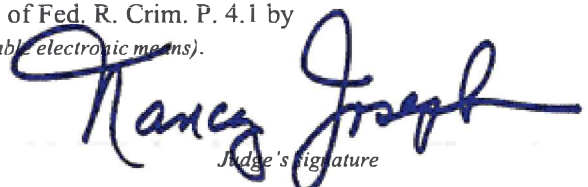


Detective Caleb Porter  
*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
telephone \_\_\_\_\_ *(specify reliable electronic means)*.

Date: 01/30/2023

City and state: Milwaukee, WI



Hon. Nancy Joseph, U.S. Magistrate Judge  
*Printed name and title*

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Caleb Porter, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. (“Meta”), a company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. **Your Affiant.** I am a Detective with the City of West Allis Police Department and have been since September of 2013, as well as a member of the FBI Milwaukee Area Violent Crimes Task Force. I have been a sworn law enforcement officer for the City of West Allis since May of 2004. During my tenure I have investigated all aspects of violent crime, including homicide, armed robbery, aggravated battery and others. With a primary focus on robbery, I have been part of numerous investigations that involve the use of cell phone data and Facebook data, which often provides crucial evidence to these cases.

3. I make this affidavit in support of an application for a search warrant for information associated with Facebook account **greg.gorak.5** (the “Target Account”). Information pertaining to this account is stored at premises owned, maintained, controlled, or operated by Meta Platforms (“Meta”), a social networking company headquartered at 1601

Willow Road, Menlo Park, California, 94025 (the “Target Provider”), further described herein and in Attachment A respectively (attached hereto and incorporated herein).

4. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require the Target Provider to disclose to the government records and other information in its possession, including the contents of communications, pertaining to the subscriber and customer associated with the Target Account, further described in Section I of Attachment B (attached hereto and incorporated herein). Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate and seize the items described in Section II of Attachment B.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 1951 (Hobbs Act robbery) and 2113 (bank robbery), have been committed by **GREGORY GORAK and THOMAS WILHELM**. There is also probable cause to search the information described in Attachment A for evidence, fruits, and/or instrumentalities of these crimes, as described in Attachment B.

6. **Sources of Information.** The facts in this affidavit come from my personal observations, my training and experience, information obtained from other agents and witnesses, public records, and my own investigative efforts. I believe these sources of information to be credible and reliable based on the corroboration of the information and my experience with these matters. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

7. **Jurisdiction.** This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

### **PROBABLE CAUSE**

8. On December 11, 2021 at approximately 11:36am, West Allis Police Officers responded to a robbery complaint at Waterstone Bank, a federally insured bank which is located at 10101 W Greenfield Avenue, in the City of West Allis, County of Milwaukee and State of Wisconsin.

9. The investigation revealed that an unknown male suspect entered the bank with a demand note taped to a blue deposit bag. The suspect approached the teller, slid the bag to her, and told her to fill it up. The suspect kept his right hand in his pocket and appeared to be displaying an object of some type through his pocket.

10. Once the teller filled the bag with money and returned it to the suspect, he left the bank and entered a black Chevy Equinox with no plates attached to the front or rear license plate holders. The suspect was last seen traveling north on S. 101 Street and was not located.

11. Affiant reviewed surveillance video from this incident and observed the suspect appeared to be a white male of average height, slim build, wearing a tan or gray cap, black hooded sweatshirt, Harley Davidson jean jacket, blue jeans and gray shoes. The suspect’s face was covered with a white medical-type mask and mirrored sunglasses. The suspect was also wearing blue rubber gloves.

12. Affiant was familiar with another robbery that occurred in the city of Greenfield on December 4, 2021, at about 2:25pm, at the Pick N Save Metro Market, 4279 S. 76<sup>th</sup> St,

Greenfield, WI, which is located in the county of Milwaukee and State of Wisconsin and which operates in interstate commerce.

13. In the Metro Market incident, a male suspect who physically resembled the Waterstone Bank robber entered the Pick N Save Metro Market grocery store and approached the service counter. The suspect presented a demand note, produced a small silver pistol, and made threats if the clerk did not comply. The suspect took \$2700 from the clerk and proceeded to run out of the store.

14. The suspect fled in a black Chevy Equinox, which appeared to be the same vehicle that was used in the Waterstone Bank robbery. The suspect was also wearing what appears to be the same hat as in the other incident, but his coat was a Green Bay Packer jacket and his face covering was black. Furthermore, a witness, S.T., reported that the getaway vehicle was running prior to the suspect entering it. S.T. thought the suspect entered the passenger side of this vehicle before it fled the scene.

15. On 04/04/22, Affiant received a phone call from Waterstone Bank Employee P.Z., who advised that on 03/31/22, fellow employee, L.W., took a call that was forwarded from the Waterstone Bank call center. The male caller wanted to know if the bank was offering a reward for turning in the person who robbed the bank. The caller hung up before she could obtain further information, but the call center later advised that the call came from phone number 414-331-3077.

16. Affiant conducted follow-up investigation on phone number 414-331-3077 and found it was possibly associated with Michelle Wilhelm (f/w, 05/09/72) or her husband, Thomas C. Wilhelm (m/w, 04/18/69). On 04/11/22 I made contact with Michelle Wilhelm at her

residence, 530 N. 109 St. in Wauwatosa, WI. Michelle stated she has never used this phone number and has not seen her husband in over a year.

17. On 04/12/22 Affiant contacted the Waterstone Bank call center and spoke with Vice President of Customer Support, T.P. T.P. took the first call on 03/31/22 from phone number 414-331-3077 and forwarded it to the Waterstone Bank branch in question. T.P. further advised that the same caller from the same number has called several other times inquiring about a reward and appeared frustrated when he was advised to call law enforcement.

18. During this phone call Affiant also learned that the Waterstone Bank Assistant Manager of Customer Support, G.P., also received a similar call, but from a different phone number. T.P. overheard this call and thought the caller sounded like a different person, but the male party still inquired about a reward. T.P. stated she recorded some of the dates and phone numbers of these calls and would have G.P. email them to me.

19. Affiant located Milwaukee Police report 22-074-0051, which was taken on 03/15/22. The report was filed by B.G., who indicated that while in a relationship with Thomas C. Wilhelm (m/w, 04/18/69) he fraudulently accessed her Venmo account and took money from her. On 04/13/22 I met with B.G. and interviewed her about her association with Thomas Wilhelm. B.G. confirmed that phone number 414-331-3077 was the last number she used to contact Thomas Wilhelm, which was about two weeks ago. B.G. also provided phone numbers 262-888-9102 and 414-882-1900 as numbers that Thomas Wilhelm has been known to use.

20. B.G. indicated she met Thomas Wilhelm while working at Potawatomi Hotel and Casino in Milwaukee. B.G. believed at the time Thomas Wilhelm was a high roller because he was basically living at the hotel. B.G. further indicated that Thomas Wilhelm was always

receiving free stuff from the hotel (comps) because of the amount of money he spent there.

Thomas Wilhelm also used the valet service whenever he came to the hotel.

21. B.G. further advised that in November or December of 2021, Thomas Wilhelm was driving a newer looking black Chevy Equinox. Thomas Wilhelm suddenly stopped using this vehicle and told her the vehicle was being repaired but she never saw it again. During her own attempts to locate Thomas Wilhelm, she observed him driving a blue Chevy Equinox and took a picture of it with her cellphone. B.G. shared the picture with Affiant, which showed the back of the vehicle and license plate of 535FPU. This vehicle was later determined to belong to Kathleen E. Kocovsky, who is believed to be the sister of Thomas Wilhelm's wife, Michelle A. Wilhelm, a/k/a Michelle A. O'Rourke.

22. On 04/13/22 I spoke with Greenfield Police Detective Jason Birschbach, who is investigating the Pick N Save Metro Market robbery from December 4<sup>th</sup>, 2021. Detective Birschbach indicated that someone calling from phone number 414-331-3077 had also called Pick N Save Metro Market inquiring about a reward for turning in the robbery suspect for that robbery.

23. Affiant obtained cell phone tower information for the area around the Metro Market robbery on 12/04/21 and the Water Stone Bank robbery on 12/11/2021. The results showed several phone numbers of interest that were at both robbery locations around the time of the incidents, including phone numbers associated with Gorak and Wilhelm, and phone numbers connected to the reward-related inquiry calls.

24. Specifically, with respect to the Metro Market robbery on 12/04/22, at about 1:52pm a phone number associated with Kathleen Kocovsky made a call to phone number 262-888-9102, which is a number associated with Thomas Wilhelm. Thomas Wilhelm's phone was

within the tower radius near the Metro Market during this call. At about 1:54pm (about thirty minutes prior to the robbery), Thomas Wilhelm (within the tower radius) made a call to 414-550-1386. At about 2:29pm (four minutes after the robbery), phone number 414-550-1386 was hitting off the tower location near the Metro Market and contacted 262-888-9102 (associated with Thomas Wilhelm).

25. With regards to the Water Stone Bank robbery on 12/11/21, at about 11:02am (about 32 minutes before the robbery), phone number 414-550-1386 was within the tower radius and received a text from 414-331-6304, which is associated with Michelle Wilhelm and/or Allie O'Rourke, who is believed to be Michelle Wilhelm's daughter. At 11:56am (about twenty minutes after the robbery) phone number 414-550-1386 was still within the tower radius and contacted 414-882-1900, which is another phone number that is associated with Thomas Wilhelm.

26. Further investigation revealed that the phone number 414-550-1386, is associated with Gregory S. Gorak (m/w, 12/05/67) and also with an entity called Fr. Falcon Freebird Foundation, LLC. Information found on the website ([falconfreebirdfoundation.org](http://falconfreebirdfoundation.org)) for the LLC showed this phone number as a point of contact, as well as phone numbers 414-935-2765 and 414-275-1673. Additionally, Affiant obtained subscriber records from AT&T for phone numbers 414-935-2765 and 414-550-1386, which show them linked to Gorak and Fr. Falcon Freebird Foundation, LLC. The U-Verse information associated with this same account also showed phone number 414-275-1673 as a contact number on this same account.

27. Affiant is aware that Gregory Gorak has both a state and federal conviction record and his physicals are consistent with the suspect who entered the bank and grocery store in this case.

28. Michelle and Thomas Wilhelm are listed as suspects in a report filed by the Elm Grove Police Department on 03/28/22 (case 22-000138). As a part of that investigation, the Elm Grove Police Department obtained bank records for Michelle Wilhelm. A review of these records showed that Michelle Wilhelm's account was used to make payments to Enterprise Rent-A-Car during the time frame of both robberies. Using open-source information through the Enterprise website, two rental receipts were located for Michelle Wilhelm. These receipts show that between the days of 11/19/21 to 12/20/21, Michelle Wilhelm's account was used to rent a black Chevy Equinox with license plate AJE9034. This vehicle matches the vehicle that was used by the suspect during both robbery incidents.

29. In October of 2022, Affiant learned from Enterprise that the Chevy Equinox in question was located at the Cedar Rapids East Iowa Airport, 2121 Arthur Collins Parkway SW, Cedar Rapids, IA, 52404. Affiant verified this airport was located in Linn County, IA and contacted the Linn County Sheriffs Office. Affiant eventually spoke with Linn County Sgt. Tim Payne, who agreed to locate the Equinox at the airport and take overall photographs. Affiant has received the digital images via email and confirmed this vehicle matched the suspect vehicle used in both incidents.

30. Affiant was aware of a case report filed by the Milwaukee Police Department on 04/18/2022, Incident Report 22-108-0183. This investigation revealed that on this date, Thomas Wilhelm brought a victim, E.G., to a hotel room at the Potawatomi Hotel and Casino in Milwaukee. E.G. then alleged that Thomas Wilhelm began strangling her, which caused E.G. to stab Thomas Wilhelm with a pencil. This allowed E.G. to get away and police arrived a short time later. Thomas Wilhelm fled the scene and was not apprehended. He left behind a cell phone, which was collected as evidence.

31. MPD obtained a warrant to search this phone. The phone download reveals that several phone numbers were assigned to this device, which is indicative of the user changing out SIM cards. This would allow the user to have multiple phone numbers while using only one device by simply inserting a new SIM card. Most important were the phone numbers 414-331-3077 and 262-422-0683, which were used to call in the tips to Waterstone Bank. Affiant is aware through training and experience that the practice of switching out SIM cards has been used by criminals attempting to mask their phone activity during criminal events.

32. Additionally, Thomas Wilhelm's phone contained a screenshot of a text conversation he had with the phone number 414-275-1673, which listed to Gregory Gorak. There is one message from Thomas Wilhelm to Gregory Gorak that indicated when something happened to Thomas, their (Gregory's and Thomas's) information would go to West Allis Police and that Thomas wanted to make sure Michelle didn't get in trouble for lying about Thomas. The original text message string was not located in the phone records, but data for the screenshot showed the image was last modified on 04/17/22.

33. Affiant located several internet searches of interest on Thomas Wilhelm's phone. On 03/31/22 he searched "Waterstone Bank on Greenfield Avenue" as well as the Metro Market on 76<sup>th</sup> St in Greenfield. This was the same day that the tipster calls started to both locations. Affiant also located frequent phone conversations between Thomas and Michelle Wilhelm, including on 04/11/22, when I spoke to Michelle and she claimed not to have seen Thomas.

34. The Facebook page "**greg.gorak.5**" was located and contained numerous images of Gregory Gorak. One such image was posted on 05/22/2018 and shows Gregory Gorak wearing the same Harley Davidson jean jacket as seen in the Waterstone Bank robbery. Gregory Gorak is seen wearing this same coat in posts from 05/22/2019 and 05/07/20 as well.

Additionally, posts were located that showed Gregory Gorak is associated with Michelle Wilhelm (a/k/a Michelle O'Rourke), Thomas Wilhelm, and Kathleen Kocovsky. In one post, Gregory Gorak referred to Michelle Wilhelm as his sister.

35. According to information on the Facebook page “**greg.gorak.5**”, the page appears to have been started in February of 2018. The last post on the page was from January 28th, 2022, however, on 11/26/2022, Greg Gorak added a new profile photo of himself. Thomas Wilhelm began appearing on the page in 2019, which is consistent with the timeframe of when Michelle and Thomas Wilhelm were married. Affiant placed a preservation request for this account and believes that a request for information from 2018 through the present will likely yield evidence related to these cases, including images and possibly Messenger communication.

#### **TECHNICAL INFORMATION REGARDING FACEBOOK<sup>1</sup>**

36. Meta owns and operates Facebook, a free-access social networking website that can be accessed at <http://www.facebook.com>. Facebook users can use their accounts to share communications, news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

37. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user's full name, birth date, gender, e-mail addresses, physical address (including city, state, and

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<sup>1</sup> The information in this section is based on information published by Meta on its Facebook website, including, but not limited to, the following webpages: “Privacy Policy,” available at <https://www.facebook.com/privacy/policy>; “Terms of Service,” available at <https://www.facebook.com/legal/terms>; “Help Center,” available at <https://www.facebook.com/help>; and “Information for Law Enforcement Authorities,” available at <https://www.facebook.com/safety/groups/law/guidelines/>.

zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

38. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

39. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

40. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations

to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

41. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can "tag" other users in a photo or video and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

42. Facebook users can use Facebook Messenger to communicate with other users via text, voice, video. Meta retains instant messages and certain other shared Messenger content unless deleted by the user, and also retains transactional records related to voice and video chats. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

43. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

44. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

45. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

46. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log

includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

47. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

48. In addition to the applications described above, Meta provides users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

49. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user’s IP address is retained by Meta along with a timestamp.

50. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables “Location History,” “checks-in” to an event, or tags a post with a location.

51. Social networking providers like Meta typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between

the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

52. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a

plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

53. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

#### **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

54. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

#### **CONCLUSION**

55. Based on the foregoing, I request that the Court issue the proposed search warrant.

56. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

## **ATTACHMENT A**

### **Property to Be Searched**

This warrant applies to information associated with Facebook account **greg.gorak.5**, for the time period of February 1, 2018, through the date of this warrant, which is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered in Menlo Park, California.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Meta Platforms, Inc. (“Meta”)**

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Meta, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Meta is required to disclose the following information to the government for each account or identifier listed in Attachment A **for the time period of February 1, 2018, through the date of this warrant.**

- (a) All contact and personal identifying information for Target Account including, full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the accounts and all other documents showing the user’s posts and other Facebook activities.
- (c) All photos and videos uploaded by those user IDs and all photos and videos uploaded by any user that have those users tagged in them including Exchangeable Image File (“EXIF”) data and any other metadata associated with those photos and videos.
- (d) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which

the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

- (e) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string.
- (f) All other records and contents of communications and messages made or received by the user including all Messenger activity, private messages, chat history, video and voice calling history, and pending "Friend" requests.
- (g) All "check ins" and other location information.
- (h) All IP logs, including all records of the IP addresses that logged into the account.
- (i) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked".
- (j) All information about the Facebook pages that the accounts were or are a "fan" of.
- (k) All past and present lists of friends created by the accounts.
- (l) All records of Facebook searches performed by the accounts
- (m) All information about the user's access and use of Facebook Marketplace.
- (n) The types of service utilized by the user.

- (o) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number).
- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account.
- (q) All records pertaining to communications between Meta and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

The Target Provider shall disclose responsive data, if any, within **fourteen days (14)** of the **ISSUANCE** of this warrant.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes evidence of violations of 18 U.S.C. 1951 (Hobbs Act robbery) and 2113 (bank robbery) involving GREGORY GORAK, THOMAS WILHELM, or others, including, information pertaining to the following matters:

1. Images or descriptions of clothing, accessories, vehicles, or weapons potentially used in robberies.
2. Information or communications concerning robberies, or potential robbery targets, or rewards for the disclosure of information regarding completed robberies.
3. Communications reflecting connections between robbery suspects and their relatives.
4. Information or communications concerning robbery proceeds or cash windfalls.
5. Financial records, including account information, bank statements, checks, money orders, cash, ATMs, withdrawals, deposits, transfers (including wire, ACH transfers);
6. All evidence of who created, used, owned or controlled the Target Account, including, records that help reveal the identity and whereabouts of such person(s).
7. Evidence indicating how and when the Target Account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crimes under investigation and to the Target Account owner.
8. Evidence indicating the Target Account owner's state of mind as it relates to the crimes under investigation.

9. The identity of the person(s) who communicated with the Target Accounts about matters relating to the above-mentioned violations, including records that help reveal their whereabouts.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC  
RECORDS PURSUANT TO FEDERAL RULES OF  
EVIDENCE 902(11) AND 902(13)**

I, \_\_\_\_\_, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Meta Platforms, Inc. (“Meta”), and my title is \_\_\_\_\_. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Meta. The attached records consist of \_\_\_\_\_ **[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]**. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Meta, and they were made by Meta as a regular practice; and

b. such records were generated by Meta’s electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Meta in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Meta, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

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Date

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Signature